

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIC M NEGRIN,	:	
	:	
Plaintiff	:	
	:	
VS.	:	CIVIL No: 5:21-CV-00279-MTT-TQL
	:	
WILKINSON COUNTY JAIL,	:	
	:	
Defendant.	:	

ORDER

In accordance with the Court's previous orders and instructions, *pro se* Plaintiff Eric M. Negrin, an inmate currently confined at the Wilkinson County Jail in Irwinton, Georgia, has filed a Recast Complaint seeking relief pursuant to 42 U.S.C. § 1983 (ECF No. 4) and a motion for leave to proceed *in forma pauperis* (ECF No. 5). As Plaintiff was advised in the order to recast, his Recast Complaint is now the operative pleading in this case. *See Schreane v. Middlebrooks*, 522 F. App'x 845, 847 (11th Cir. 2013) (per curiam) (noting that generally, an amended complaint supersedes the original complaint unless the amended complaint specifically refers to or adopts the original complaint). A review of Court records reveals, however, that Plaintiff's Recast Complaint raises the same claims Plaintiff has raised in another case pending before the Court, *Negrin v. King*, 5:21-cv-00269-MTT-CHW (M.D. Ga. July 30, 2021) ("Negrin I").

"As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative" of one already pending in federal court. *Curtis v. Citibank*,

226 F.3d 133, 138 (2d Cir. 2000). “[A] suit is duplicative of another suit if the parties, issues, and available relief do not significantly differ between the two actions.” *I.A. Durbin, Inc. v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986). “Trial courts are afforded broad discretion in determining whether to stay or dismiss litigation in order to avoid duplicating a proceeding already pending in another federal court.” *Id.* at 1551-52.

In his Recast Complaint in this case, Plaintiff contends that Defendants at the Wilkinson County Jail failed to provide him with adequate medical treatment for injuries he suffered in a slip and fall. *See* Recast Compl. 5, ECF No. 4. Those claims are already pending in *Negrin I*, and the parties named in both actions are largely the same. The present action is therefore duplicative of one already pending in this Court and shall be **DISMISSED without prejudice** for this reason. *See Curtis*, 226 F.3d at 138. Plaintiff’s pending motion to proceed *in forma pauperis* (ECF No. 5) is **DENIED as moot**. Plaintiff may move to amend his Complaint in *Negrin I* if he finds it necessary to include in *Negrin I* any of the claims or factual allegations made in his Recast Complaint in this case.

SO ORDERED, this 8th day of November, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT